

REMARKS

Claims 29–34 and 36-42 are pending.

Claim Rejections – 35 U.S.C. §112, first paragraph

The Examiner rejects claims 29-34 and 36-42 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner maintains his position that the term “gene” comprises both transcribed and non-transcribed regions and that the specification does not disclose relevant identifying characteristics sufficient to describe the non-transcribed regions.

For at least the reasons stated in the response of May 21, 2004, Applicants respectfully traverse the Examiner’s rejection. However, to speed up prosecution and without prejudice or disclaimer of the subject matter claimed therein, the Applicants amend claim 29 to recite a nucleic acid encoding a single cyclin-dependent kinase inhibitor. This amendment contains no new matter and is supported by the specification at page 7, lines 20-23. To maintain consistency, Applicants also amend claims 36, 39, 40, and 42 in a similar manner. Applicants submit that these amendments overcome the 35 U.S.C. §112, first paragraph, rejection and respectfully request that the Examiner withdraw the rejection.

The Applicants note that the Examiner has withdrawn his new matter rejection of claims 29-34 and 36-42 in view of the amendments to claims 29-31.

Conclusions

Applicants have overcome each of the Examiner's rejections. The application is therefore in condition for allowance and early notice to this effect is earnestly solicited. If, for any reason, the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

Dated: July 1, 2004

A handwritten signature in cursive script that reads "John Murray". The signature is written in black ink and is positioned above a horizontal line.

John Murray, Ph.D.
Registration No. 44,251
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
Telephone: (312) 321-4200